IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4176 OF 2005
IN
CRIMINAL APPEAL NO. 621 OF 2005

Ansar Amjadali Khan & Anr ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. Kisan S. Makasare, Advocate for Applicants

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 11TH AUGUST, 2005

P. C.:-

1. Heard both sides.

2. The applicants are seeking bail. The applicant No.1 has been convicted under Section 366 and 376 of I.P.C. and applicant No.2 have been convicted under Section 366 of I.P.C. The prosecutrix was about 15 years old at the time of incident. The learned advocate for the applicants has pointed out that prosecutrix has stated in her statement before the police that she was in love with the applicant No.1. The prosecutrix stayed with the applicant No.1 for over one and half month in Utter Pradesh. Thereafter, the applicant No.1 and the prosecutrix

came back to Mumbai and they both surrendered before the police. The role attributed to applicant No.2 is that he helped the applicant No.1 in taking away the prosecutrix from Mumbai to Kalyan.

3. It is stated by the learned advocate for the applicants that the applicants were on bail pending the trial and this liberty has not been misused by them. This statement has not been controverted by the prosecution. He has further submitted that the prosecutrix being in love with applicant No.1, she voluntarily went away with him and stayed with him for a period of over one and half month. Hence, he has prayed that in these circumstances the applicants may be granted bail. Looking to all these facts and circumstances and the evidence on record, I am inclined to grant bail to the applicants.

4. Each of the applicant i.e. the applicant No.1 Ansar Amjadali Khan and applicant No.2 Kayum Abbasali Choudhary, to be released on bail in the sum of Rs.20,000/- with one or two sureties to make the said amount. The applicants shall report on third Sunday of every month to Goregaon police station, during the pendency of this appeal.

5. Application is disposed of.

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